

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN MONTUE,

Petitioner,

No. CIV S-05-0935 LKK DAD P

vs.

TERESA A. SCHWARTZ, et al.,

Respondents.

ORDER

_____/

Petitioner is a state prisoner proceeding pro se with a habeas petition attacking a 1979 Sacramento County conviction. Examination of this action and the court's records reveals that petitioner previously filed a petition for relief concerning the same conviction and that the previous petition was denied in 1995.¹ (See Montue v. Rowland, case No. CIV S-91-0247 LKK JFM P.)

The present action has been randomly assigned to the District Judge who considered the previous petition. Pursuant to Local Rule 81-190(d), the above-captioned action will be reassigned to the Magistrate Judge who considered the 1991 petition. The parties should be aware that reassigning this action under Local Rule 81-190(d) merely has the result that the

¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 action is assigned to the same District Judge and the same Magistrate Judge who considered the
2 prior petition. No consolidation of the actions is effected.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. This action is reassigned to Magistrate Judge John F. Moulds for all further
5 proceedings; henceforth, the caption on documents filed in this action shall be shown as No. CIV
6 S-05-0935 LKK JFM P;

7 2. The Clerk of the Court shall make appropriate adjustment in the assignment of
8 civil cases to compensate for this reassignment; and

9 3. The Clerk of the Court shall provide notice of this reassignment to the
10 Magistrate Judge now assigned to the case.

11 DATED: May 17, 2005.

12 
13 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

14 DAD:13
15 mont0935.190
16
17
18
19
20
21
22
23
24
25
26